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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF MASSACHUSETTS

5 C.A.#: 04-CV-11610-RGS

7 VISIBLE SYSTEMS CORPORATION,

8 Plaintiff

9 VS.

10 UNISYS CORPORATION,

11 Defendant

13 DEPOSITION OF STEWART B. NASH, a
14 witness called by and on behalf of the
15 Defendant, pursuant to the provisions of
16 the Federal Rules of Civil Procedure,
17 before Joan Applegate, Certified
18 Shorthand Reporter and Notary Public in
19 and for the Commonwealth of
20 Massachusetts, at the offices of
21 Sugarman, Rogers, Barshak & Cohen, P.C.,
22 101 Merrimac Street, Boston,
23 Massachusetts, on Thursday, August 24,
24 2006 commencing at 10:00 a.m.

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1 I N D E X

2 DEPONENT

3 Stewart B. Nash

4 EXAMINATION

5 (By Mr. Boesch)

PAGE

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19 35 Reserve Note dated 210
20 March 26, 2004

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1 APPEARANCES:

2

3 William L. Boesch, Esq.

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8 On behalf of the Defendant;

9

10 Joseph E. Rendini, Esq., Of Counsel

11 Galebach Law Firm

12 One Knollcrest Drive

13 Andover MA 01810

14 On behalf of the Plaintiff.

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1 P R O C E E D I N G S

2 THE STENOGRAPHER: Mr. Rendini,
3 are you going to want a copy?

4 MR. RENDINI: Oh, yes.

5 THE STENOGRAPHER: And a mini or
6 an ASCII?

7 MR. RENDINI: Yes.

8 S T I P U L A T I O N S

9 It is hereby stipulated and

10 agreed by and between counsel for the
11 respective parties that the sealing,
12 filing, and certification of the
13 deposition are waived.

14 It is further stipulated and
15 agreed by counsel that all objections,
16 except as to the form of the question,
17 are reserved until the time of trial.
18 Motions to strike likewise are reserved
19 until the time of trial.

20 The witness exercises his right
21 to read the transcript and sign the
22 original signature page under the pains
23 and penalties of perjury. If the
24 transcript is not signed within 30 days

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1 no secret. Jeff Smith?

2 **A. He left us also.**

3 **Q.** And Clive Finkelstein?

4 **A. Clive Finkelstein is not an employee, he**

5 **is a consultant. He's got multiple**

6 **relationships with us, essentially.**

7 **Q.** Has his own company in Australia?

8 **A. Yes. He's got a lot of relationships.**

9 **He's a shareholder in the firm. He's a**

10 **reseller of the products. He is an**

11 **advisor to us on a variety of technical**

12 **issues related to methodologies and so**

13 **forth.**

14 **Q.** So he's one of the group of ten, sort

15 of, expert contractors that you referred

16 to?

17 **A. Yes.**

18 **Q.** Is it possible to generalize about what

19 functions the other experts serve for

20 the company?

21 **A. When you say "experts," are you**

22 **referring to people on our witness list**

23 **or just the consultants that we use?**

24 **Q.** No, I'm using the term that you used,

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1 the ten or so outside contractor

2 consultants.

3 **A. Okay, those folks. Yeah, he's one of**

4 **those folks. Did you want to know who**

5 **the other ones are, is that the**

6 **question?**

7 **Q.** I don't necessarily need the names. My

8 question was whether it's possible to

9 say, in general, what that group of

10 people does for Visible Systems.

11 **A. No. There's a lot. They do a lot of**

12 **different things, from advising us on**

13 **methodologies and tool directions,**

14 **technical directions for the company, to**

15 **providing services that we sell, to**

16 **providing programming support to us**

17 **directly, to providing various kinds of**

18 **consulting to clients, both initiated by**

19 **us and initiated by them.**

20 **Q.** Who provides consulting to clients when

21 that is done?

22 **A. Well, some of our own people do it, and**

23 **some of this kind of stable of**

24 **consultants that we use provide the**

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1 **services.**

2 **Q.** Can you give me the names of the group

3 of people who provide those services?

4 **MR. RENDINI:** Including the in-

5 house people?

6 **MR. BOESCH:** Including both

7 categories.

8 **A. Okay. Karen and David and Russ all do,**

9 **from our internal staff do consulting**

10 **work from time to time. Additionally,**

11 **we've used Peter Bell as a consultant.**

12 **We've used --**

13 **Q.** Where is he located?

14 **A. He's located in Lexington, Virginia, if**

15 **I am not mistaken. We've used Al**

16 **Menendez and Joe Regan. We've used --**

17 **Mike Cesino has done some consulting as**

18 **well. We've used -- there's other folks**

19 **we've used and partnered with, entities,**

20 **more than people, that are in the**

21 **stable. We've had a variety of**

22 **partnerships over the years with other**

23 **organizations whose primary business is**

24 **consulting.**

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1 **Q.** Are Bell, Menendez, and Regan part of

2 the list of the ten outside contractors

3 that you referred to?

4 **A. Yes.**

5 **Q.** Where is Mr. Menendez located?

6 **A. In the Orlando, Florida area.**

7 **Q.** And Mr. Regan?

8 **A. The same.**

9 **Q.** Does each of them have a particular area

10 of specialty?

11 **A. They are specialized around the**

12 **configuration management tools space.**

13 **Q.** That would be the Razor product?

14 **A. Yes, mainly the Razor product. They**

15 **also have some expertise in database**

16 **analysis and design, which would be part**

17 **of the modeling.**

18 **THE WITNESS:** I know I just

19 asked for a break. Could I have another

20 one?

21 **MR. BOESCH:** Sure.

22 (Whereupon there is a lunch

23 recess commencing at 12:09 p.m.)

24 **AFTERNOON SESSION**

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